

**APPROVED MINUTES  
YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall, 301 Main Street  
April 13, 2005

**MEMBERS**

Nicholas F. Barba  
Anne C. H. Conner  
John R. Davis  
Alexander T. Hamilton  
Alfred E. Ptasznik, Jr.  
Andrew A. Simasek  
John W. Staton

**CALL TO ORDER**

Vice Chair Alfred E. Ptasznik, Jr. called the regular meeting to order at 7:00 p.m.

**REMARKS**

Vice Chair Ptasznik stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

**ROLL CALL**

The roll was called. Members present were Mr. Barba, Ms. Conner, Mr. Hamilton, Mr. Ptasznik, and Mr. Staton. Mr. Davis and Mr. Simasek were absent. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Amy Parker, and Earl Anderson.

**APPROVAL OF MINUTES**

Mr. Hamilton moved adoption of the minutes of the regular meeting of March 9, 2005. The minutes were adopted unanimously by roll call vote.

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS**

**Application No. UP-656-05, York County Little League:** Request for an amendment to a Special Use Permit (UP-417-91), pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, granted for the addition of a second baseball field at Zook

Field, located at 110 Cook Road and further identified as Assessor's Parcel No. 24-40D. The amendment requests the addition of stadium-type lighting for the existing ball fields and the use of the fields after dusk. The property, located at the northeast quadrant of the intersection of Cook Road (Route 704) and George Washington Memorial Highway (Route 17), is zoned R20 (Medium-density Single-family Residential) and is designated for Medium-Density Residential development in the Comprehensive Plan.

**Ms. Amy Parker**, Senior Planner, presented a summary of the staff report dated April 5, 2005, in which the staff recommended approval. She displayed graphics indicating the subject site in relation to Cook Road and its environs.

**Mr. Ptasznik** noted that parking facilities are still not in place from a previously approved use permit (UP-417-91, Resolution R92-7) and inquired if that constituted a violation. **Ms. Parker** said the applicant is in violation of the previous use permit, and parking requirements under current zoning regulations were addressed in approval conditions. Approval of the subject application would require the applicant to submit a site plan that would have to be implemented before the requested lights could be installed.

**Mr. Ptasznik** inquired about fencing the ball fields and **Ms. Parker** stated the existing fence is 4 feet high and conditions of the proposed resolution require one 8-foot-high opaque fence to surround both fields. She said it should provide adequate screening and assist in eliminating transfer of trash from either side to the other.

**Mr. Hamilton** inquired whether the lights would shut off automatically at 10:00 PM, and **Ms. Parker** said the applicant has not indicated if there is an automatic device to shut them off. **Mr. Hamilton** asked if the proposed lights would illuminate the entrance to the ball fields from Cook Road, and **Ms. Parker** said the current proposal was for lights on the ball fields only.

**Mr. Hamilton** inquired whether the parking lot would be covered in asphalt. **Ms. Parker** said the applicants could request a waiver from paving requirements because of the existence of wetlands in the rear section of the lot.

The Vice Chair opened the public hearing.

**Ms. Margaret Green**, 1919 Old Hampton Highway, voiced concerns including how to ensure the fields and lights are used as intended. She recommended that the approval state that the fields were to be used for baseball only, the exact months they could be used, and a stronger condition requiring the lights to be off by 10 PM, and for the County to ensure that happens. She said trees have been removed in the last couple years, altering the topography, which she felt was a serious issue that should be addressed from an environmental protection standpoint. **Ms. Green** was not aware of County mosquito control on the portions of the ball field that retain water. She also noted the absence of a County noise ordinance. She requested that the County enforce its existing ordinances.

**Mr. Wayne Barlow**, Vice President of Junior Baseball, York County Little League, 104 Emerald Court, explained the lights were needed at both ball fields because presently only one lighted field -

at Dare Elementary School - is available for practices and games for the 8-to-12-year-old division. The need for additional practice times and game fields has resulted in the application, he said. **Mr. Barlow** guaranteed the lights would be extinguished before 10 PM, the League would pick up and dispose of their own trash, and would not disturb the wetlands behind the fields. He said the Little League would obtain all necessary permits and honor all of the conditions contained in a resolution of approval. Responding to an earlier question about the cost of the lights, he said to light both of the subject fields would cost \$80,000.

**Mr. Ptasznik** asked if the League might rent out the facilities or otherwise allow others to use them, to which **Mr. Barlow** replied there would be nothing there except baseball.

**Mr. Staton** mentioned the costs associated with the fencing and parking improvements and asked if the estimated \$80,000 covers any of those costs; **Mr. Barlow** responded that figure is the estimate for the lights only, and added that because of wetlands it appears a gravel parking area is preferable so costs associated with paved parking area may not be a problem. He said he would like to have the parking area complete before the lights are installed, but in any case the field will not be used until the lights have been installed. **Ms. Conner** recommended parking area completion before the fencing and lights are installed.

**Mr. Staton** cited a letter written to the Commission from an adjacent property owner and neighbor, to-wit:

*24 Jan 05*

*Mrs. Parker: These are my comments concerning the applicant.*

*The stadium-type lighting for the Zook Field is the issue but the main issue is the maintenance of the 7.03 acres of land (Zook Field).*

*Due to the lack of concern for the property located at (102 Cook Road), which has been trashed for 36 years, falls on the Board members of the York County Little League.*

*Before the York County Little League "lights up" Zook Field, they need to "Clean it up," including the property located at (102 Cook Road). The members of the Board should do the right thing. Zook Field is for and about the kids (including their own) in the county.*

*The property located at (102 Cook Road) has had the hardship for 36 years; the next 36 years are on you Board members. Take care of it, please.*

*Rose R. Richardson  
102 Cook Road  
Yorktown, VA 23690*

**Mr. Staton** inquired if the League was aware of its players being on the property at times other than scheduled practices and games who might generate trash on neighbors' property, or if other young

people are on the property at such times. **Mr. Barlow** said the League is aware of vandalism and is not sure if the trash is from the League or its players. He said in his five years using Zook Field, the trash is always picked up before leaving the field and left at a specified location where BFI collects the trash.

**Mr. Vincent Anania**, 1901 Old York Hampton Highway, said he lives directly behind Zook Field near the wetlands. **Mr. Anania** was opposed to any destruction of the wetlands such as disturbing wetlands to provide more parking.

**Mr. James Hensley**, 1823 Old York Hampton Highway, said the noise was a bigger problem for him than the proposed lights. Also, he and a close neighbor have a problem with people cutting through their property during the day and he thought the entire fields should be properly fenced. He said the existing fence is broken in many places.

Discussion followed about the location of Mr. Hensley's property and that of his neighbor, where the neighbor keeps his horses, and where the fence line should be.

**Mr. Barlow** added that "older kids" cut through, mostly after hours. **Mr. Hensley** said all ages of young people cut through his property, including during Little League games.

**Mr. Staton** thought it regrettable that this field is in the midst of a residential area, but given the County's desperate need of additional recreation facilities, he would support approval.

**Mr. Barba** commended Mr. Barlow for his services to the Little League said he would support approval.

**Mr. Hamilton** voiced his support.

**Mr. Ptasznik** believed the County needed the subject ball fields and also thought recreation fields in residential areas was an advantage that allowed the County's young people to play close to home.

**Mr. Hamilton** moved adoption of proposed Resolution No. PC05-5.

Resolution No. PC05-5

On motion of Mr. Hamilton, which carried 5:0 (Messrs. Davis and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN AMENDMENT TO SPECIAL USE PERMIT UP-417-91 TO AUTHORIZE THE ADDITION OF STADIUM-TYPE LIGHTING FIXTURES AND USE OF EXISTING BASEBALL FACILITIES AFTER DUSK LOCATED AT 110 COOK ROAD

WHEREAS, the York County Little League has submitted Application No. UP-656-05, which requests to amend the conditions of Special Use Permit UP-417-91, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, granted for installation of a second

baseball field at 110 Cook Road (Route 704) and further identified as Assessor's Parcel No. 24-40D, by permitting the installation of stadium-type lighting facilities and use of the existing baseball facility after dusk; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of April, 2005 the Application No. UP-656-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize amendment of Special Use Permit UP-417-91 to permit installation of stadium-type lighting and use of the existing baseball facility after dusk located at 110 Cook Road (Route 704) and further identified as Assessor's Parcel No. 24-40D; subject to the following conditions:

1. This approval shall authorize amendment of Special Use Permit UP-417-91 to permit installation of stadium-type lighting and use of the existing baseball facility after dusk located at 110 Cook Road (Route 704) and further identified as Assessor's Parcel No. 24-40D.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, except as modified herein or as may be necessary to comply with site plan review requirements, shall be submitted to and approved by the County prior to the installation of any lighting facilities or site disturbance.
3. No facilities installed subsequent to the date of this resolution, with the exception of light posts, shall be located within twenty (20) feet to any side property line nor within twenty-five (25) feet to the rear property line. Parking facilities, including access aisles, shall not be located within 25 feet of any property line.
4. To afford screening for abutting residential uses, eight-foot high opaque fencing of a type and materials meeting the approval of the Zoning Administrator shall be installed bordering the entire southwest property line exclusive of the access drive area. Fencing shall be supplemented, in areas unencumbered by existing structures, with a row of evergreen trees having a planting size no less than 6 feet in height and spaced no less than 20 feet on center. Evergreen shrubs having a mature height of no less than four feet and spaced no less than 15 feet on center shall be installed parallel to each side of the existing main driveway leading to the ball fields. Side yards shall meet landscape requirements set forth in Section 24.1-242(h) of the Zoning Ordinance, except that all shrub credit requirements shall be met with evergreen plantings.
5. Use of the facility (including lighting) shall be limited to the hours between 8:00 A.M. and 10:00 P.M.

6. Minimum parking requirements shall be 60 spaces per ball field.
7. Portable rest room facilities shall be provided in accordance with County Health Department regulations.
8. Stadium-type lighting shall be MUSCO Light Structure Green hooded fixtures or their equivalent. Stadium-type lighting shall be installed in accordance with illumination summaries prepared by Musco Lighting, dated April 4, 2005, and received by the Planning Division on April 5, 2005, and which is made a part of this Resolution by reference. All other lighting fixtures shall use full cut-off luminaires installed at 90 degrees to ground level to prevent off-site glare.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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**Application No. PD-16-05, Villa Development, LLC:** Request to amend the York County Zoning Map by reclassifying approximately 15.3 acres located on the north side of George Washington Memorial Highway (Route 17) approximately 1,240 feet north of its intersection with Cook Road (Route 704) from LB (Limited Business) to PD (Planned Development) subject to voluntarily proffered conditions. The property is bounded by Route 17 to the south, Falcon Road (Route 1254) to the west and north, and Cook Road to the east. Pursuant to Section 24.1-361(c)(2) of the York County Zoning Ordinance, the applicant proposes to develop a 76-unit development of age-restricted (62 and older) quadruplex homes in accordance with the “Senior Housing – Independent Living” definition and performance standards of the Zoning Ordinance. The properties, located at 8926, 8934, and 9000 George Washington Memorial Highway and 401 and 409 Cook Road, are further identified as Assessor’s Parcel Nos. 24-80-4, 24-80-5, 24-80-6, 24-23, and 24-25. This area is designated for Limited Business development in the Comprehensive Plan.

**Timothy C. Cross, AICP**, Principal Planner, presented a summary of the staff report dated April 4, 2005 in which the staff recommended approval. Mr. Cross noted the development as proposed would be operated as age restricted senior housing.

**Mr. Ptasznik** inquired about a discrepancy between the recommended 50-foot greenbelt buffer and the submitted drawing. **Mr. Cross** clarified that the 50-foot requirement buffer is recommended and stated the artist’s rendering was drawn before the 50-foot greenbelt was recommended.

**Mr. Hamilton** asked if the current drainage infrastructure could support this development without additional CIP funds.

**Mr. Cross** replied the County's stormwater management engineers have indicated the proposed stormwater pond may have to be relocated but the development's impact on the County's stormwater system is not of great concern to them.

**Mr. Hamilton** hoped people were aware of the Friday night high school football games [at York High School]. **Mr. Cross** said the recommended buffer might provide noise attenuation.

**Vice Chair Ptasznik** opened the public hearing.

**Mr. Paul Garman**, 109 Chisman Point Road, Seaford, spoke as the agent for Mid Atlantic Commercial. Because the applicant has the benefit of developing two successful senior housing projects in York County, **Mr. Garman** said, the proposed project is expected to be its best yet. The applicant strives to build what the seniors have indicated they want, he continued, and while the property in question could potentially have been built as office/retail, senior apartments, or some other use, the applicant believes the requested project is the most practical in terms of serving the needs of the senior population. **Mr. Garman** displayed graphics of fiscal impact comparisons indicating the proposal would better serve the County fiscally than would a retail facility. **Mr. Garman** predicted a sales price of \$225,000 or more per unit. He noted the proximity of Riverwalk Landing, attractive landscaping for the proposed community, and an attractive entry at Cook Road and Route 17 as desirable amenities.

**Mr. Walter Carroll**, 111 Pond View, thanked the applicant for bringing that type of development to the County. However, the applicant, who also developed Rainbrook Villas, appears unable to keep up with maintenance after units are built. While some Rainbrook Villas residents have waited two years or longer for repairs, he said, the applicant has developed two more senior communities and now proposes a third. **Mr. Carroll** believes the developer/applicant has good intentions but may have too many projects going at one time. Before they start another, they should live up to their promise of maintenance-free living. He recommended against approval.

**Ms. Edna Haggerty**, 403 Timberline Loop, said there are homeowners at Rainbrook Villas who have waited up to five years for corrections to erosion problems and other maintenance. The County has cooperated to have the work completed and some residents have formed work parties. At the present time residents are shoring up a ditch with large concrete stones to keep one of the units from being undermined, according to **Ms. Haggerty**. She believes Rainbrook Villas was not built according to Code but the developer has not resolved the problems. Meanwhile, she said, the developer has three other senior communities that, according to local rumors, are behind schedule. She asked the Commission to postpone or table a formal recommendation rather than deny it, because she believes approval should be contingent upon the satisfactory completion of critical work needed at Rainbrook Villas and the applicant getting on schedule with its other senior developments.

**Ms. Haggerty** submitted to the recorder an unsigned five-page note left in her paper box on April 12, 2005, which **Ms. Haggerty** said "*is a true picture of what Rainbrook is, and has been experiencing for five years....*" The note is attached to the Minutes of Record.

**Ms. Patricia H. Ruddle**, 231 Rainbrook Way, did not believe the applicant had lived up to the conditions imposed under Application PD-10-98 regarding grading, drainage, and street conditions

in Rainbrook Villas. Seniors have been affected emotionally and financially, she said, and residents aged 55 to 80 have formed work parties. It has not been carefree living, she said. **Ms. Ruddle** recommended postponement of approval until the conditions of approval for Rainbrook Villas and Shady Banks developments have been met.

**Mr. Joseph F. Haggerty**, 403 Timberline Loop, said he moved into his home at Rainbrook Villas in September 2001. He spoke of cracked cement on his driveway and over ½ inch of settling on one half of his garage floor. He said the garage floor was dug up and then water was trapped underneath, resulting in crumbling asphalt that is tracked into his home or washes down the gutter. He said his roof and firewall are so close that heat cannot escape because “experienced craftsmen were not hired.” Calls to the developer have not helped. **Mr. Haggerty** recommended postponement of approval.

**Vice Chair Ptasznik** explained the charter of the Commission is to review proper land use. He said he had spoken with County officials about problems at Rainbrook and is confident they are working to get them resolved. Problems at a particular development should not influence the mission of the Planning Commission regarding proper land use. **Mr. Ptasznik** invited other comments that do not repeat or reflect what has already been said.

**Ms. Alice Wheless**, 226 Rainbrook Way, recommended deferring a recommendation.

**Mr. William A. Ambrose**, 3802 McTyres Cove Road, Midlothian, Virginia, was unclear how the project would affect school enrollment, as mentioned in Mr. Cross’s presentation, since no children would live in the proposed community. He believed the residents would support businesses on Route 17. **Mr. William Ambrose** supported approval.

**Mr. Dick Ambrose**, 205 Marl Ravine Road, said he is a co-owner of a portion of the property in question for development. He sympathized with the situation of some of the earlier speakers. He suggested that the County building inspectors be extra vigilant during their inspections. **Mr. Ambrose** believed the applicant is proposing a high-caliber project in a neighborhood that is in desperate need of improvement. Many elderly people would benefit from this project and those in Marlbank and Edgehill would be in the same area. The development would increase the steady, year-around customer base for Riverwalk Landing and other Yorktown businesses, he said, and recommended approval.

**Mr. Timothy Cross** addressed Mr. William Ambrose’s comment regarding school enrollment. He clarified how the proposed development could have an indirect impact on school enrollment; for instance, if a couple sells a single-family home into York County to move into the new senior community and the buyers of their home move with school-age children. According to the applicants, 38 percent of Rainbrook Villas and Shady Banks buyers were York County residents.

**Mr. Cross** clarified, in response to the applicant’s comments, that senior apartments would be permitted on the subject property not as a matter of right but upon the approval of a Special Use Permit. This gives the County a great deal of control over any senior apartments on the property.



There was some discussion about whether the proposed development would increase the projected County target population of 80,000. Mr. Cross explained the declining household size resulting in part from the aging population was already accounted for in the projected 80,000-81,000 "buildout." Therefore, approval of the application will increase the build-out population albeit marginally.

**Mr. Walter Carroll** recommended the proposed mulch trail around the drainage pond be changed to asphalt or some other hard surface. Mulch trails are expensive and difficult to maintain, he said, and the elderly find them harder to walk on than asphalt. **Mr. Cross** thought that was a valid point, and **Mr. Ptasznik** agreed, noting that other walking trails in the development will be paved.

**Mr. Joseph Ambrose** pointed out that planned development units are privately owned and neighbors could cooperate to get needed repairs or improvements, not depend on the government. He did not think a recommendation should be delayed.

**Ms. Rhonda Smith**, 316 Cook Road, said she had met with representatives of Villa Development. She would prefer this type of development to industrial development, but prefers not to have anything developed on the subject site. Ms. Smith mentioned York High School (YHS) band practices, frequency of field use, and noisy motorcycles on Cook Road -- particularly on Saturdays -- as potential nuisances to a residential community. She would prefer a wider buffer between the proposed development and Cook Road and would prefer the main entrance to the development be from Cook Road rather than Falcon Road.

**Mr. Willie Smith**, 316 Cook Road, said traffic is a real concern for him. He further questioned the proposed "senior citizen" use if only one resident must be 62 years old.

**Ms. Melissa Kline**, 402 Cook Road, shared others' concerns about traffic and she thought the lights from Zook Field may become a nuisance to residents. She did not think the neighborhood was conducive to a senior citizen community.

**Mr. Daniel Kline**, 402 Cook Road, mentioned flooding that occurs after heavy rain and the possibility that more development would create more runoff into existing yards. Tree clearing would eliminate some existing buffer. Individual homeowners have been working on a neighborhood facelift, he said, but it takes time. He did not think the proposed development would blend with the existing community.

**Mr. Cross** noted the application had proffered a black picket fence with brick columns to enhance the buffer zone along Cook Rod between the development and the existing community and road network.

Seeing no others who wished to speak, **Vice Chair Ptasznik** closed the public hearing.

**Mr. Ptasznik** thanked those who attended the public hearing and shared their views. He noted that the property under consideration, because it is near the Yorktown historic area and in the Tourist Corridor Management Overlay District, is prime for quality development. He believed that section of Route 17 would eventually be widened which would alleviate some of the immediate traffic considerations. The proposal for entering via Falcon Road instead of Route 17, he said, was

probably driven by safety issues. **Mr. Ptasznik** offered to speak with Sheriff Danny Diggs about speeding on Cook Road. The County is aware of the drainage problems on Cook Road, he said, and solving them will become a top priority, new regulations having been adopted.

**Mr. Barba** said drainage is a problem and the development is not consistent with the Comprehensive Plan. However, it offers an opportunity for an attractive age-restricted community and Route 17 is a gateway to Yorktown, Riverwalk Landing, and other destinations important to seniors. He believed rezoning for this type of land use would be sensible.

**Mr. Hamilton** thought the proposed development would be a good use of the land, but still was concerned about drainage issues.

**Ms. Conner** was distressed to learn about the problems at Rainbrook Villas. While it is not the purpose of the Commission to deal with construction issues, she acknowledged its mission to make sound zoning recommendations. The development appears to be a good use of the property and should have limited impact on Route 17 traffic and a low impact on schools. **Ms. Conner** suggested that **Mr. Garman** help the Rainbrook Villas residents resolve their problems with the developer as soon as possible, before any more development is undertaken. She supported approval because it is a proper use of the property.

**Mr. Staton** thought the proposal would be an excellent use of the land, would considerably improve the area, and favored approval.

**Mr. Hamilton** moved adoption of proposed Resolution No. PC05-18(R-2), recommending revision of Condition No. 7, Proffered Conditions, to construct the walking path with a hard surface, such as asphalt, instead of mulch.

Following the vote, **Mr. Garman** promised that the developer will make it a priority to complete all of the work it is responsible for at Rainbrook Villas. He said the developer works closely with the homeowners' association and urged the residents to cooperate with their homeowners' association.

Resolution No. PC05-18(R-2)

On motion of Mr. Hamilton, which carried 5:0 (Messrs. Davis and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A PLANNED DEVELOPMENT OF 76 QUADRUPLEX UNITS IN ACCORDANCE WITH THE SENIOR HOUSING-INDEPENDENT LIVING DEFINITION AND PERFORMANCES STANDARDS OF THE YORK COUNTY ZONING ORDINANCE

WHEREAS, Villa Development, LLC has submitted Application No. PD-16-05 which requests to amend the York County Zoning Map by reclassifying approximately 15.3 acres located on the north side of George Washington Memorial Highway (Route 17) approximately 1,240 feet north of its intersection with Cook Road (Route 704) from LB (Limited Business) to PD (Planned

Development) subject to voluntarily proffered conditions. The property is bounded by Route 17 to the south, Falcon Road (Route 1254) to the west and north, and Cook Road to the east. Pursuant to Section 24.1-361(c)(2) of the York County Zoning Ordinance, the applicant proposes to develop a 76-unit development of age-restricted (62 and older) quadruplex homes in accordance with the "Senior Housing – Independent Living" definition and performance standards of the Zoning Ordinance. The properties, located at 8926, 8934, and 9000 George Washington Memorial Highway and 401 and 498 Cook Road, are further identified as Assessor's Parcel Nos. 24-80-4, 24-80-5, 24-80-6, 24-23, and 24-25 (GPIN# Q09a-1540-2704, Q09a-1459-2762, Q09a-1399-3125, Q09a-1667-3097, and Q09a-1611-3208);

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of April, 2005, that Application No. PD-16-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from LB (Limited Business) to PD (Planned Development) approximately 15.3 acres located at 8926, 8934, and 9000 George Washington Memorial Highway and 401 and 498 Cook Road, further identified as Assessor's Parcel Nos. 24-80-4, 24-80-5, 24-80-6, 24-23, and 24-25 (GPIN# Q09a-1540-2704, Q09a-1459-2762, Q09a-1399-3125, Q09a-1667-3097, and Q09a-1611-3208), subject to the following conditions:

1 Age Restriction

This Planned Development shall be developed and operated as age-restricted senior housing in accordance with the definition of Senior Housing-Independent Living Facility set forth in Section 24.1-104 of the York County Zoning Ordinance.

2 General Layout, Design, and Density

- a) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Service, Division of Development and Compliance prior to the commencement of any land clearing or construction activities on the site. Said site plan shall be in substantial conformance with the conceptual plan titled "Master Plan: Villas at Yorktown, A Planned Community," prepared by C. E. Newbaker Surveying & Planning, Inc. and dated January 27, 2005, except as modified herein. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as submitted or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance.

- b) The layout and design of this development shall be in conformance with the performance standards for senior housing set forth in Section 24.1-411 of the York County Zoning Ordinance, except as modified herein.
- c) The maximum number of residential units shall be 76.
- d) Street trees at least 1½ inch in diameter shall be provided (or credited for existing trees) at no less than forty-foot (40') intervals along the interior road in the development. Street trees at least 1½ inch in diameter shall be provided (or credited for existing trees) at no less than forty-foot (40') intervals in the median of the boulevard-type entrance on Hampton Highway.
- e) Freestanding signage shall be limited to a single monument-type community identification sign along Falcon Road measuring no greater than 24 square feet in area and six feet (6') in height.

### 3 Streets and Circulation

- a) Roadway design and construction shall be in substantial conformance with the Development Plan. The design and construction of all streets shall adhere to the street and roadway standards established for public streets by the County and the Virginia Department of Transportation (VDOT). The applicant shall bear responsibility for installing all roadway improvements.
- b) All streets shall be of a curb and gutter design; roll-top curb shall be permissible throughout the development.
- c) In order to provide for safe and convenient pedestrian circulation, the project shall include a four-foot (4') wide sidewalk as shown on the concept plan.
- d) Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.
- e) A right turn radius consistent with the standards of the Virginia Department of Transportation (VDOT) shall be constructed along Falcon Road (Route 1254) at the entrance to the development.

### 4 Utilities and Drainage

- a) Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.

- b) A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Newport News all easements deemed necessary by the County for maintenance of such water lines.
- c) The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
- d) The homeowners' association shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.

## 5 Open Space and Recreation

- a) The location and arrangement of open space shall be generally as depicted on the plan titled "Master Plan: Villas at Yorktown, A Planned Community," prepared by C. E. Newbaker Surveying & Planning, Inc. and dated January 27, 2005.
- b) A minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided.
- c) The walking trail surrounding the proposed stormwater pond as depicted on the referenced concept plan shall be constructed of an asphalt surface.
- d) The recreation area and facilities designated shall be developed and available for use on or before the occupancy of the twenty-fourth (24<sup>th</sup>) unit or by the end of the fifth (5<sup>th</sup>) year from the start of construction, whichever occurs first.
- e) Landscape buffers no less than fifty feet (50') in width shall be provided along the entire Route 17 and Cook Road frontages of the property. Said buffers shall be left in an undisturbed natural state and supplemented with additional landscaping where clearing has already taken place. This shall not be interpreted to preclude 1) the planting of additional trees, shrubs, or groundcovers, 2) the construction of perimeter fencing and lighting fixtures, 3) limited clearing of underbrush, nuisance plants, and dead or diseased plants and trees, and 4) the perpendicular installation of utilities necessary to serve the development. Any sight line clearing shall be shown on the landscape plan for the site which shall include both plan and perspective views.
- f) Temporary tree protection barriers shall be installed prior to clearing or construction to protect the roots of any existing tree within any required perimeter buffer area even if it requires additional construction offset on property that is not within the buffer.

- g) The location and manner of development for the recreation area shall be fully disclosed in plain language to all home purchasers in this development prior to closing.
- h) All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.
- i) All recreational services, facilities, and equipment shall be subject to approval by the Division of Parks and Recreation for their consistency with the applicant's proffered conditions and recreational requirements as listed in the Planned Development regulations in the Zoning Ordinance.

## 6 Environment

- a) A Natural Resources Inventory, prepared in accordance with the requirements set forth in Section 24.1-372(d) of the Zoning Ordinance, shall be submitted for review and approval concurrent with the site plan submission.
- b) Prior to final plan approval, the applicant shall obtain all wetland permits required by federal and state regulations and submit copies of these permits, or evidence that such permits are unnecessary, to the Zoning Administrator.

## 7 Proffered Conditions

The reclassification shall be subject to the conditions voluntarily proffered by the property owners in the proffer statement titled "Proposed Proffers by Owners for Application for Property of the Villas at Yorktown, L.L.C. and Villa Development, L.L.C.," signed by Cowles M. Spender and dated January 31, 2005, except as modified herein.

## 8 Restrictive Covenants

Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497 of the Zoning Ordinance.

BE IT FURTHER RESOLVED by the Planning Commission that, contingent on the Board of Supervisors' approval of Application No. ZT-92-05 as it pertains to Section 24.1-361(c)(2) of the York County Zoning Ordinance, it does hereby recommend that approval of Application No. PD-16-05 subject to the following conditions in addition to those set forth above:

1. Notwithstanding the provisions of Section 24.1-411(e) of the Zoning Ordinance, the fifty-foot (50') landscaped perimeter buffer around the development shall be reduced to no less than twenty-five feet (25') in width along the subject property's western property boundary adjacent to Falcon Road and along the eastern property boundary adjacent to the parcels located at 8918 George Washington Memorial Highway and 307 Cook Road, further identified as Assessor's Parcel Nos. 24-80-3 and 24-22A respectively.

2. Notwithstanding the provisions of Section 24.1-411(f) of the Zoning Ordinance, the normally required twenty-five feet (25') of open landscaped space surrounding each building may be reduced provided, however, that no two building within the project shall be located closer to one another than thirty feet (30') and that the minimum building setback from internal streets shall be twenty feet (20').

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**Application No. ZM-93-05, York County Board of Supervisors:** Request to amend the York County Zoning Map as follows: 1) Establish GB-General Business classifications for the following properties that were annexed into the York County jurisdictional boundaries by virtue of the February 2003 boundary line adjustment agreement between the City of Williamsburg and York County: Property as identified on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 1 of 1," prepared by Precision Measurements, Inc., and dated April 11, 2002: Parcel No. 0005B-1-1A, 2225 Richmond Road; n/f owned by Satyam Shivam Sunderam, LLC: An 873 square-foot portion of the northwest corner of the subject property. Property as identified on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia" prepared by Precision Measurements, Inc, and dated April 15, 2002: Parcel No. 009-6-C2, 3012 Mooretown Road; n/f owned by Kingsgate Greene, Ltd.: An approximately 1,200 square-foot portion of the subject property located within the Kingsgate Parkway private street right-of-way at its intersection with Mooretown Road; Parcel No. 009-6-C1, 3006 Mooretown Road; n/f owned by W & H Realty, Inc.: An approximately 10,000 square-foot portion of the subject property located along its Mooretown Road frontage; Parcel No. 009-3-A, 118 Waller Mill Road; n/f owned by Colonial Properties Partnership, Inc.: An approximately 500 square-foot portion of the subject property located at its southwest corner and along its Mooretown Road frontage; Parcel No. 009-6-C21, 2009 Mooretown Road; n/f owned by Pirates Cove Williamsburg, Inc.: An approximately 40,000 square-foot portion of the subject property, located on the south side of Mooretown Road; Parcel No. 009-3B, 2005 Mooretown Road; n/f owned by Michel Real Estate Partnership: An approximately 15,000 square-foot portion of the subject property, located on the north side of Bypass Road; Parcel No. 009-4, 100 Bypass Road; n/f owned by RMG Bypass Road, LC: An approximately 2,300 square-foot portion of the subject property, located along its southwestern boundary line adjoining the CSX Railroad; Parcel No. 009-4A, 104 Bypass Road; n/f owned by Ralph M Goldstein: An approximately 2,300 square-foot portion of the subject property, located along its southwestern boundary line adjoining the CSX Railroad; Parcel No. 009-5, 112 Bypass Road; n/f owned by AHK of Williamsburg, LLC: An approximately 2,000 square-foot portion of the subject property, located along its southwestern boundary line adjoining the CSX Railroad; Parcel No. 009-6, 120 Bypass Road; n/f owned by Green Lane, Inc.: An approximately 700 square-foot portion of the subject property, located along its southwestern boundary line adjoining the CSX Railroad. 2) Reclassify from RC - Resource Conservation to RR - Rural Residential a 3.3-acre parcel located at the intersection of Goosley Road

(Route 238) and Route 17 being further identified as Assessor's Parcel No. 18-23J and owned by the Trustees of Shiloh Baptist Church.

**Mr. Mark Carter, Assistant County Administrator**, summarized his report to the Commission dated March 31, 2005, and recommended approval.

**Mr. Ptasznik** inquired if there are any additional zoning issues between York and James City Counties that should be addressed at this time, such as the dance floor that was approved by York County [Carpé PM, UP-642-04] and runs through both counties. **Mr. Carter** said there may be several items to consider discussing with officials at James City County in the future; however, they were not addressed in these proposed amendments.

**Vice Chair Ptasznik** opened the public hearing.

**Pastor Barbara Lemon**, Shiloh Baptist Church, 11053 George Washington Memorial Highway, said the church wishes to better meet the needs of its community by expanding the fellowship and hall and adding classrooms. She hoped for a favorable recommendation.

**Mr. Hairston Washington**, 900 Abingdon Court, Newport News, explained the move from the original site of the church on Goosley Road. He said the church has been at its present location since 1975 and has experienced growth to the point it needs more classrooms and a place for large gatherings.

**Mr. Ptasznik** inquired of the proposed façade in relation to the present structure, and Mr. Washington said the expansion would retain the same overall appearance as the existing building. The front appearance would not change much, he added, noting the proposed addition would add an "L" to the building.

**Mr. Ptasznik** closed the public hearing.

**Mr. Barba** moved the adoption of proposed Resolution No. PC05-20.

Resolution No. PC05-20

On motion of Mr. Barba, which carried 5:0 (Messrs. Davis and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZM-93-05 WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING MAP TO RECLASSIFY ASSESSOR'S PARCEL NO. 18-23J FROM RC-RESOURCE CONSERVATION TO RR-RURAL RESIDENTIAL, AND TO ESTABLISH A GB-GENERAL BUSINESS CLASSIFICATION FOR PORTIONS OF ASSESSOR'S PARCEL NOS. 5B-1-1A, 9-6-C2, 9-6-C1, 9-3-A, 9-6-C21, 9-3B, 9-4, 9-4A, 9-5 AND 9-6, SAID AREAS BEING THE PORTIONS OF THE SUBJECT PROPERTIES THAT WERE ADJUSTED INTO THE JURISDICTIONAL BOUNDARIES OF THE COUNTY PURSUANT TO THE



FEBRUARY 2003 BOUNDARY ADJUSTMENT AGREEMENT BETWEEN THE  
CITY OF WILLIAMSBURG AND YORK COUNTY

WHEREAS, Application No. ZM-93-05, sponsored by the Board of Supervisors, proposes the reclassification from RC - Resource Conservation to RR – Rural Residential of a 3.3-acre parcel located at the intersection of Goosley Road (Route 238) and Route 17 being further identified as Assessor's Parcel No. 18-23J and owned by the Trustees of Shiloh Baptist Church; and

WHEREAS, said application also proposes to establish a GB-General Business classification on the portions of various properties that were adjusted into the jurisdictional boundaries of York County pursuant to a February 2003 voluntary boundary line adjustment agreement between the City of Williamsburg and York County, said properties being portions of Assessor's Parcel Nos. 5B-1A, 9-6-C2, 9-6-C1, 9-3-A, 9-6-C21, 9-3B, 9-4, 9-4A, 9-5, and 9-6; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of April, 2005, that Application No. ZM-93-05 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map as follows:

1. Reclassify from **RC - Resource Conservation** to **RR – Rural Residential** a 3.3-acre parcel located at the intersection of Goosley Road (Route 238) and Route 17, being further identified as Assessor's Parcel No. 18-23J, and owned by the Trustees of Shiloh Baptist Church.
2. Establish **GB-General Business** classifications for the following properties that were annexed into the York County jurisdictional boundaries by virtue of the February 2003 boundary line adjustment agreement between the City of Williamsburg and York County:
  - Parcel No. 0005B-1-1A, 2225 Richmond Road; n/f owned by Satyam Shivam Sunderam, LLC.: An 873 square-foot portion of the northwest corner of the subject property, as identified on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 1 of 1," prepared by Precision Measurements, Inc., and dated April 11, 2002.
  - Parcel No. 009-6-C2, 3012 Mooretown Road; n/f owned by Kingsgate Greene, Ltd.: An approximately 1,200 square-foot portion of the subject property located within the Kingsgate Parkway private street right-of-way at its intersection with Mooretown

Road and delineated on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 1 of 2," prepared by Precision Measurements, Inc, and dated April 15, 2002.

- Parcel No. 009-6-C1, 3006 Mooretown Road; n/f owned by W & H Realty, Inc.: An approximately 10,000 square-foot portion of the subject property located along its Mooretown Road frontage and delineated on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 1 of 2," prepared by Precision Measurements, Inc, and dated April 15, 2002.
- Parcel No. 009-3-A, 118 Waller Mill Road; n/f owned by Colonial Properties Partnership, Inc.: An approximately 500 square-foot portion of the subject property located at its southwest corner and along its Mooretown Road frontage and delineated on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 1 of 2," prepared by Precision Measurements, Inc, and dated April 15, 2002.
- Parcel No. 009-6-C21, 2009 Mooretown Road; n/f owned by Pirates Cove Williamsburg, Inc.: An approximately 40,000 square-foot portion of the subject property, located on the south side of Mooretown Road and delineated on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 1 of 2," prepared by Precision Measurements, Inc, and dated April 15, 2002.
- Parcel No. 009-3B, 2005 Mooretown Road; n/f owned by Michel Real Estate Partnership: An approximately 15,000 square-foot portion of the subject property, located on the north side of Bypass Road and delineated on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 1 of 2," prepared by Precision Measurements, Inc, and dated April 15, 2002.
- Parcel No. 009-4, 100 Bypass Road; n/f owned by RMG Bypass Road, LC: An approximately 2,300 square-foot portion of the subject property, located along its southwestern boundary line adjoining the CSX Railroad, and delineated on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 2 of 2," prepared by Precision Measurements, Inc, and dated April 15, 2002.
- Parcel No. 009-4A, 104 Bypass Road; n/f owned by Ralph M Goldstein: An approximately 2,300 square-foot portion of the subject property, located along its southwestern boundary line adjoining the CSX Railroad, and delineated on the plat entitled "Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 2 of 2," prepared by Precision Measurements, Inc, and dated April 15, 2002.

- Parcel No. 009-5, 112 Bypass Road; n/f owned by AHK of Williamsburg, LLC.: An approximately 2,000 square-foot portion of the subject property, located along its southwestern boundary line adjoining the CSX Railroad, and delineated on the plat entitled “Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 2 of 2,” prepared by Precision Measurements, Inc, and dated April 15, 2002.
- Parcel No. 009-6, 120 Bypass Road; n/f owned by Green Lane, Inc.: An approximately 700 square-foot portion of the subject property, located along its southwestern boundary line adjoining the CSX Railroad, and delineated on the plat entitled “Jurisdictional Boundary Adjustment Between York County, Virginia and City of Williamsburg, Virginia, Sheet 2 of 2,” prepared by Precision Measurements, Inc, and dated April 15, 2002.

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**Application No. ZT-92-05, York County Board of Supervisors:** Consider amendments to the following sections of the York County Zoning Ordinance (Chapter 24.1, York County Code)

**Mr. Mark Carter, Assistant County Administrator**, commenced a summary of the report to the Commission dated March 31, 2005, and clarification of specific items addressed in the proposed “housekeeping” package of recommendations.

## **RECESS**

**Vice Chair Ptasznik** called a recess at 9:50 PM.

## **RECONVENE**

The meeting was reconvened at 10:05.

**Mr. Carter** completed his presentation. He noted the staff recommendation of approval.

**Mr. Ptasznik** was of the opinion the segment of Route 17 north of Cook Road should remain part of the existing Tourist Corridor Management District instead of having it covered by the new TCM provisions proposed for the southern segments of Route 17 [new Section 24.1-378]. He believed that particular section was more closely associated with Yorktown and is considered a “gateway” to Historic Yorktown. He said the existing overlay would better reflect and preserve that character. **Mr. Staton** agreed that the segment of Route 17 north of Cook Road had a distinctly different character and should be retained in the existing TCM overlay.

Upon the conclusion of the staff presentation, **Mr. Ptasznik** invited questions or comments and reminded the members they could recommend approval of all or some of the recommended revisions.

**Mr. Barba** commented on portable storage boxes (“pods”) and the length of time portable storage boxes are permitted to remain on residential property. **Mr. Ptasznik** recommended that the Commission consider limiting the frequency of placement on a property to once per year, rather than once every six months. [Section 24.1-271, Subsection (c)]

**Mr. Ptasznik** mentioned the need for a provision to allow easy installation of a privacy fence next to someone else’s existing fence, and **Mr. Carter** clarified that the proposed amendments regarding “finished sides” are not intended to prevent the installation of a new fence as long as it meets whatever standards that may be adopted with regard to “finished” sides. [Section 24.1-271]

**Mr. Ptasznik** asked what would be included under the term “environmentally sensitive area” as used in the proposed amendments dealing with cluster development. **Mr. Carter** acknowledged that section needs further clarification and suggested it be deferred to allow staff time to develop supplementary language. He also recommended that the provisions dealing with abutting road rights-of-way be deferred for further review and revision. [Section 24.1-372(c)(2) and (d)(3)]

**Mr. Hamilton** asked if the proposed filing fee increases are adequate and expected to cover rising costs and how often the fee table is reviewed. He asked if they could be written in such a way as to automatically increase from year to year. [Section 24.1-108]

**Mr. Carter** said the proposed increases should be enough at this time. **Mr. Barnett** confirmed that an automatic adjustment/increase would not be possible. **Mr. Carter** agreed that more frequent review would be desirable and suggested that a two-year review cycle become routine.

**Mr. Ptasznik** opened the public hearing.

**Mr. Robert Duckett**, Director of Public Affairs, Peninsula Housing & Builders Association (PHBA), 760 McGuire Road, Newport News, addressed several issues of concern to that organization.

He supported the proposed changes to Section 24.1-361, Planned Development, because the proposed language should provide the Supervisors more flexibility.

**Mr. Duckett** supported the fee increases proposed in Section 24.1-108, acknowledging the County had not raised its fees in a number of years and the taxpayers have a legitimate interest in recouping administrative costs. He appreciated the County’s efforts to keep the costs reasonable.

He questioned whether localities can establish stand-alone Chesapeake Bay Preservation Area requirements as part of the County Code rather than having them as part of the Zoning Ordinance. **Mr. Duckett** recommended postponing action on this section until clarification is obtained from the state.

**Mr. Lamont Myers**, Manager, Mid-Atlantic Communities, residing at 108 Pheasant Watch, believed changes to the ordinance regarding cluster developments would restrict flexibility and therefore restrict cluster developments. **Mr. Myers** said York County has a superior ordinance

addressing cluster developments, and suggested deferring action on Section 24.1-402 until the development community has reviewed the proposed amendments it and made its comments.

Hearing no others, the Vice Chair closed the public hearing.

**Mr. James E. Barnett, Jr.**, County Attorney, commented that a stand-alone Chesapeake Bay ordinance is legal and numerous localities already have adopted them. The Chesapeake Bay Local Assistance Board (CBLAB) has already reviewed the draft stand-alone ordinance, he added, and found it in compliance with guidelines CBLAB provided to localities.

**Mr. Carter** commented there is no urgency to adopt revisions related to abutting property and environmentally sensitive areas in cluster developments, and recommended that the proposed revisions to Section 24.1-402(c)(2) and (d)(3) be deferred until they have been discussed with the PHBA and others.

**Mr. Carter** suggested a way to address filing fees would be to establish a biennial fee review process as a standard operating procedure instead of a Code requirement.

**Mr. Staton** moved adoption of Resolution No. PC05-19(R), deferring recommendations on Sections 24.1-402(c)(2) and (d)(3) (cluster provisions), establishing a one-year rather than six-month placement frequency for PODS, establishing additional flexibility in the “finished side out” requirement for fences, including the segment of Route 17 north of Cook Road in the existing TCM overlay, and suggesting a review of filing fees every two years become a separate standard operating procedure rather than a requirement of the County Code.

Resolution No. PC05-19(R)

On motion of Mr. Staton, which carried 5:0 (Messrs. Davis and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-92-05, WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) BY REVISING, ADDING AND DELETING VARIOUS SECTIONS TO UPDATE, CLARIFY AND SUPPLEMENT THE PROVISIONS IN ACCORDANCE WITH GOOD ZONING PRACTICE

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-92-05 to allow consideration of various amendments intended to update, clarify and supplement the provisions of the Zoning Ordinance in accordance with good zoning practice; and

WHEREAS, the Planning Commission has considered these proposed amendments, as outlined and described in the March 31, 2005 briefing memorandum and its attachments; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the proposed amendments in accordance with applicable procedures; and

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of April, 2005 that it does hereby recommend approval of Application No. ZT-92-05 to amend various sections of the York County Zoning Ordinance as contained in the attachments to the March 31, 2005 briefing memorandum to the Commission, said attachments being made a part of this resolution by reference, and with the following modifications or exceptions:

- Defer consideration and recommendation on the proposed amendments to Section Nos. 24.1-402(c)(2) and (d)(3) (cluster provisions);
- Establish a one-year rather than six-month placement frequency for PODS;
- Establishing additional flexibility in the “finished side out” requirement for fences;
- Include the segment of Route 17 north of Cook Road in the existing TCM overlay; and
- Establish a two-year review cycle for filing fees to become a separate standard operating procedure.

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## **NEW BUSINESS**

There was no new business.

## **OLD BUSINESS**

There was no old business.

## **STAFF REPORTS**

Mr. Carter informed the members of recent Board of Supervisors actions.

## **COMMITTEE REPORTS**

Mr. Nick Barba reported on the Route 17 Revitalization Program Review Committee’s recently-adopted Route 17 overlay district to be recommended to the Board of Supervisors for formal adoption.

He said the Comprehensive Plan Review Steering Committee will meet April 14 to discuss land use and twice more in April.

## **COMMISSION REPORTS AND REQUESTS**

There were no reports or requests.

## **ADJOURN**

The meeting was adjourned at 10:59 p.m.

**SUBMITTED:**      \_\_\_\_\_/s/\_\_\_\_\_  
Phyllis P. Liscum, Secretary

**APPROVED:**      \_\_\_\_\_/s/\_\_\_\_\_  
Andrew A. Simasek, Chair

**DATE:** May 11, 2005